

**3992. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 115 Barrels \* \* \* of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 6303. I. S. Nos. 13801-k, 13802-k. S. No. C.-160.)

On February 22, 1915, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 115 barrels, more or less, of vinegar, remaining unsold in the original unbroken packages, at Cairo, Ill., alleging that the product had been shipped on or about [October 26 and] December 11, 1914, and transported from the State of Tennessee into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Brite Marnin Brand Pure Apple Vinegar Diluted to four per cent acid strength."

It was alleged in the libel that the article consisted in part of distilled vinegar or dilute acetic acid, and was adulterated in violation of section 7, paragraphs 1 and 2 under "Food" of said act of Congress of June 30, 1906, and was liable to seizure, condemnation, and confiscation as provided in section 10 of said act, for the following reason, to wit, because distilled vinegar and dilute acetic acid had been mixed with said article so as to reduce or lower or injuriously affect its quality or strength, and because distilled vinegar and dilute acetic acid had been substituted wholly or in part for said article. Misbranding was alleged for the reason that said product was an imitation of apple vinegar and because the labels on the barrels, to wit, "Brite Marnin Brand Pure Apple Vinegar Diluted to four per cent acid strength," would deceive and mislead the purchaser thereof into the belief that said vinegar was a pure apple vinegar, diluted to four per cent acid strength, whereas, in truth and in fact, it was a mixture of distilled vinegar and dilute acetic acid.

On April 5, 1915, Dawson Bros. Manufacturing Co., claimant, Memphis, Tenn., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings, and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*